

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN MALONE,

Plaintiff,

v.

MAGGIE MILLER-STOUT *et al.*,

Defendants,

Case No. C08-5375BHS

ORDER TO AMEND
THE COMPLAINT

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*. The court now considers the proposed complaint (Dkt. # 1). Plaintiff names himself and seventeen other inmates as plaintiff's, yet, only Mr. Calvin has signed the complaint. Although a nonattorney may appear pro se on behalf of himself, he has no authority to appear as an attorney for others. C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir. 1987); Johns v. County of San Diego, 114 F.3d 874, 876 (9th Cir. 1997).

Review of the complaint shows Mr. Calvin raising some issues where he as standing and others where the alleged incident does not involve him. The court now ORDERS plaintiff to file an amended complaint raising only claims that involve him as he cannot act as an attorney for others.

1 In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that (1) the conduct
2 complained of was committed by a person acting under color of state law and that (2) the conduct
3 deprived a person of a right, privilege, or immunity secured by the Constitution or laws of the United
4 States. Parratt v. Taylor, 451 U.S. 527, 535 (1981), *overruled on other grounds*, Daniels v. Williams, 474
5 U.S. 327 (1986). Section 1983 is the appropriate avenue to remedy an alleged wrong only if both of these
6 elements are present. Haygood v. Younger, 769 F.2d 1350, 1354 (9th Cir. 1985), cert. denied, 478 U.S.
7 1020 (1986).

8 The clerk is directed to send plaintiff a form prisoner 1983 complaint. Plaintiff is directed to fill out
9 the form. Plaintiff may attach additional sheets as needed, however, plaintiff is warned, the complaint must
10 contain short clear statements of his claims. An amended complaint will be due on or before **July 18,**
11 **2008**, Plaintiff is informed that failure to file an amended complaint or failure to cure the defects in his
12 complaint will result in a Report and Recommendation that this action be dismissed.

13 The clerk's office is directed to send plaintiff another copy of the form and note the **July 18, 2008**,
14 date on the court's calendar.

15
16 DATED this 16 day of June, 2008.

17 /S/ J. Kelley Arnold
18 J. Kelley Arnold
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28